

REMARKS**I. Status of the Application**

Claims 1-2, 11-21 and 24-26 are pending in this application. In the November 20 Final Office Action, the Examiner:

A. Rejected claims 1-2, 11-12 and 22-24 under 35 U.S.C. § 103(a) as being allegedly being unpatentable over US Patent No. 5,757,795 to Schnell (hereinafter “Schnell”) in view of US Patent No. 5,394,402 to Ross (hereinafter “Ross”);

B. Rejected claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Schnell in view of Ross and further in view of US Patent No. 6,658,027 to Kramer et al. (hereinafter “Kramer”);

C. Rejected claims 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Schnell in view of US Patent No. 7,154,899 to Khill (hereinafter “Khill”);

D. Rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Schnell in view of Khill and further in view of Ross; and

E. Rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Schnell in view of Khill and further in view of Ross and Kramer et al.

In this response, Applicants traverse the rejection of the claims and respectfully request reconsideration in light of the following remarks.

II. The Rejection of Independent Claims 1 and 24 Under 35 U.S.C. § 103(a) Should be Withdrawn

In the November 20, 2008 Final Office Action, the examiner rejected independent claims 1 and 24 under 35 U.S.C. § 103 (a) as being unpatentable over Schnell in view of Ross. Applicant respectfully traverses this rejection.

Claims 1 and 24 each include, inter alia, a limitation the same as or similar to the following:

address table construction means for generating a table containing associations between ports of the switch and MAC addresses of any devices connected to the switch via those ports, the address table construction means being operable to construct said table in respect of all but a first one of the ports.

In the Final Office Action, the examiner admitted that Schnell does not teach the “address table construction means being operable to construct said table in respect of all but a first one of the ports”. However, the examiner argued that this limitation is disclosed in Ross.

Applicants respectfully disagree and maintain that Ross does not disclose constructing a table containing associations between ports of a switch and MAC addresses of any devices connected to the switch via those ports in respect of all but a first one of the ports, as specified in independent claims 1 and 24.

The Final Office Action states that “Ross describes a switch (hub 10—See Fig. 3) having a first port (external port 18—See Fig. 3) and a plurality of other ports (internal ports 12, 14 and 16—See Fig. 3).” The Final Office Action further states that at Col. 5, lines 61-66, “Ross shows how only MAC addresses associated with each of the internal ports are stored in memory.” Applicants respectfully disagree with the Examiner’s assertion.

Contrary to the Examiner’s assertion, Ross merely describes in Col. 5, lines 61-66

“means (MAC ADDR) 62 for determining the MAC addresses of each of end stations 20, 22, 24, 26, 28, 30, 32, 34, and 36 (and the MAC addresses of each of internal ports 12, 14, and 16 if such MAC addresses exist) and storing those MAC addresses in memory 42.” Ross goes on to describe between Col. 5, line 67 and Col. 6, line 3 that *“Means 62 may also include the ability to store in memory 42...MAC addresses of internal ports and/or end stations associated with other network hubs and connected to hub 10 only through external port 18.”*

In other words, memory 42 of Ross which stores MAC addresses associated with each of the internal ports also contains associations between the external port 18 and MAC addresses of any devices connected to the hub via the external port 18. This is similarly described at Col. 5, lines 14-24 of Ross which states: “Network hub 10 further includes ... a local memory 42 for storing VLAN designations for internal ports 12, 14, and 16, media access control (MAC) addresses for end stations 20, 22, 24, 26, 28, 30, 32, 34, and 36, MAC addresses ... for end stations associated with other network hubs connected to hub 10 only through external port 18, and VLAN designations ... for external port 18 when such VLAN designations apply to ports and end stations reachable through external port 18,” and also at Col. 9, lines 36-40 of Ross: “MEM 42 may ... provide similar information for unique MAC addresses that belong to end stations attached to the internal ports of other hubs reachable through external port 18.”

Thus, the assertion in the Final Office Action that “Ross shows how only MAC addresses associated with each of the internal ports are stored I memory” is erroneous because Ross also discloses that the memory stores MAC addresses of devices connected to the hub via the external port 18. The memory described in Ross contains associations between all the ports of the hub and MAC addresses of devices connected to the hub via all of those ports, and

not just in respect of all but a first one of the ports. It follows from the foregoing that Ross does not disclose a table containing associations between ports of a switch and MAC addresses of any devices connected to the switch via those ports in respect of all but a first one of the ports, as specified in independent claims 1 and 24.

Accordingly, because Schnell and Ross, neither separately nor in combination, teaches, shows, or suggests all of the limitations of independent claims 1 and 24, Applicants respectfully submit that the obviousness rejection of claims 1 and 24 over the prior art of record should be withdrawn.

III. The Rejection of Dependent Claims 2, 11-16, 25 and 26 Under 35 U.S.C. § 103(a)
Should be Withdrawn

In the Final Office Action, the examiner rejected each of dependent claims 2, 11-16, 25 and 26 under 35 U.S.C. § 103(a). Each of dependent claims 2, 11-16, 25 and 26 depend from and incorporate all of the limitations of one of independent claims 1 or 24. As set forth above, it is respectfully submitted that independent claims 1 and 24 are patentable over the prior art. Therefore, it is respectfully submitted that each of dependent claims 2, 11-16, 25 and 26 are also patentable over the prior art for at least the same reasons as claims 1 and 24. Accordingly, it is respectfully submitted that the examiner's rejection of dependent claims 2, 11-16, 25 and 26 should be withdrawn.

IV. The Rejection of Independent Claim 17 Under 35 U.S.C. § 103(a) Should be Withdrawn

In the Final Office Action, the Examiner rejected claim 17 under 35 U.S.C. § 103 (a) as being unpatentable over Schnell in view of Khill. Applicant respectfully traverses this rejection.

Claim 17 includes, inter alia, the following limitations:

stopping generation of the table before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table”.

In the Final Office Action, the Examiner admitted that Schnell does not teach this limitation.

However, it is asserted in the Final Office Action that this feature is disclosed in Khill.

Applicants respectfully disagree and maintain that Khill does not disclose the feature of “stopping generation of the table before MAC addresses of at least some devices operably coupled through the first ingress/egress port are associated with the first ingress/egress port in the table,” as specified in claim 17.

The Final Office Action states that the language of claim 17 mentions actions performed with respect to a “first ingress/egress port,” but that due to the absence of any language in the claim that suggests that the step in question is exclusively performed only with respect to a “first ingress/egress port,” the claim has been given the interpretation that the step of “stopping generation of the table” may be performed with respect to any or all ports on a switch.

Applicants submit that the Examiner’s interpretation of claim 17 is in error as clear distinction is made in claim 17 between the “first ingress/egress port” and the other ports of the switch. In particular, the port in question is specifically referred to as the “first ingress/egress

port.” All the other ports of the switch are referred to as the “other ingress/egress ports.” Therefore, claim 17 should be interpreted such that the step in question is exclusively performed only with respect to the “first ingress/egress port.” This interpretation is supported by the disclosure, for example, on page 5, lines 22-26 of the application as filed: *“In a second setting of the first control register, however, the learning algorithm is different in that switch 4 does not store the MAC addresses of the devices connected to the switch 4 via the port 11. In other words, the port 11 is a “first port” as defined above. It continues, however, to learn the addresses of the devices connected to the other ports 9, 13, 15, 17, 19.”*

Khill does not disclose stopping generation of the table only with respect to the first ingress/egress port. Rather, Khill discloses, for example, at Col. 6, lines 44-47 that if the budget of entries is exhausted, the learning process in respect of all of the ports terminates until a current learning period is over.

Accordingly, it follows from the foregoing that neither Schnell nor Khill, separately or in combination, teaches, shows or suggests all of the limitations of claim 17. Because the combination of Schnell and Khill fails to disclose each and every limitation of claim 17, it is respectfully submitted that the obviousness rejection of claim 17 over Schnell and Khill should be withdrawn.

V. The Rejection of Dependent Claims 18-21 Under 35 U.S.C. § 103(a) Should be Withdrawn

In the Final Office Action, the examiner rejected each of dependent claims 18-21 under 35 U.S.C. § 103(a). Each of dependent claims 18-21 depends from and incorporates all of the

limitations of independent claim 17. As set forth above, it is respectfully submitted that independent claim 17 is patentable over the prior art. Therefore, it is respectfully submitted that each of dependent claims 18-21 are also patentable over the prior art for at least the same reasons as claim 17. Accordingly, it is respectfully submitted that the examiner's rejection of dependent claims 18-21 should be withdrawn.

VI. Conclusion

Applicants have made a diligent effort to place the claims in condition for allowance. However, the fact that Applicant may not have specifically traversed any particular assertion made in the Final Office Action should not be construed as indicating Applicants agreement therewith. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David Moorman, Applicants' agent, at 317-638-2922 so that such issues may be resolved as expeditiously as possible.

The two month period for responding to the Final Office Action fell on Tuesday, January 20, 2009 which was deemed a federal holiday (Inauguration Day). Accordingly, this response is being timely filed within the two month period for response to the Final Office Action on Wednesday January 21, 2009. In the event applicants have inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicants conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

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